

REMARKS

In view of the herein contained remarks, Applicant respectfully requests reconsideration and withdrawal of each of the outstanding rejections set forth in the above-mentioned Official Action, together with an indication of the allowability of all of the claims pending in the present application.

Applicants first note with appreciation the Examiner's indication that claims 9-11 would be allowable if rewritten in independent form.

The Examiner has rejected claims 1, 3-6, 15, and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,615,409 to FORSSEN et al., in view of U.S. Patent No. 5,815,116 to DUNBRIDGE et al., further in view of U.S. Patent No. 5,649,290 to WANG, and further in view of U.S. Patent No. 5,566,355 to KANAI; rejected claims 12-14 and 16 under 35 U.S.C. § 103(a) as being unpatentable over FORSSEN et al., DUNBRIDGE et al., WANG, and KANAI as above and further in view of U.S. Patent No. 5,978,657 to SUZUKI; and has rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over FORSSEN et al., DUNBRIDGE et al., WANG, and KANAI as above and further in view of U.S. Patent No. 6,167,286 to WARD. Applicant respectfully traverses these rejections.

With regard to the Examiner's rejection, there are several distinctions between the present claimed invention and the applied references that support the patentability of all the pending claims. With respect to the Examiner's rejection of independent claims 1 and 15, Applicant submits that the Examiner is incorrect in his assertion that the KANAI reference discloses receiving a measured power ratio from a mobile station. On the

contrary, KANAI discloses controlling transmission from the base station to maximize a "desired wave-to-interference wave power ratio." See column 3, lines 34-36.

Specifically, column 3, lines 26-44 noted by the Examiner in the Official Action does not disclose measuring a power ratio in the mobile station. The other applied references are similarly deficient as noted below.

The FORSSEN et al. reference, cited and applied by the Examiner, relates to beam forming based on measuring the position, by the base station, of a mobile station based on transmission signals from the mobile station received by the base station. See column 4, lines 1-14. The WANG reference discloses using the ratio of the signal power to noise power for determining handoffs. See column 3, lines 7-24. Finally, the DUNBRIDGE et al. reference discloses using a receiving network that tracks users according to user signal power ratios that are received by the phase array antenna of the base station. See column 5, line 56 et seq. However, none of the references discloses measuring, in a mobile station, a power of two signals transmitted from a base station, having two different directivities, and receiving a ratio of the measurement in the base station as recited by the claims of the present invention.

Moreover, there is no suggestion or disclosure in FORSSEN et al., DUNBRIDGE et al., WANG, or KANAI separately or in any proper combination that render obvious the features of the present claimed invention.

A rejection under 35 U.S.C. § 103 based on obviousness cannot be properly maintained without a proper disclosure of each and every recited element and the motivation to combine the elements from different references. Here the applied

references fail to provide any motivation that would lead one of ordinary skill in the art to combine the references such as to measure, in a mobile station, a power of two signals transmitted from a base station, having two different directivities, and to receive a ratio of the measurement in the base station, as claimed in the claims of the present invention.

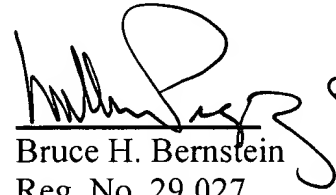
Accordingly, the Examiner is respectfully requested to withdraw the rejections under 35 U.S.C. § 103. In view of the fact that none of the art of record, whether considered alone or in any proper combination, discloses or suggests the present invention as defined by the pending claims, and in further view of the above remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

With respect to the Examiner's rejection of remaining dependent claims 3-14 and 16-20, these claims should be allowable at least for the same reasons discussed above as they are dependent from independent claims 1 and 15, which, as discussed above are patentable over the applied references of FORSSEN et al., DUNBRIDGE et al., WANG, and KANAI.

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has pointed out the shortcomings of the references, individually as well as in any proper combination with respect to the presently recited features of the present invention. Accordingly Applicant has provided a clear evidentiary basis for the patentability of all the claimed pending herein. An action to such effect is respectfully requested.

Should the Examiner have any questions or comments regarding this response or the present application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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